

BRIAN M. BOYNTON, Principal Deputy Assistant Attorney General
ARUN G. RAO, Deputy Assistant Attorney General
AMANDA N. LISKAMM, Director
LISA K. HSIAO, Assistant Director
HILARY K. PERKINS, Assistant Director
SCOTT P. KENNEDY, Trial Attorney (DCBN 1658085)
ZACHARY L. COWAN, Trial Attorney (NCBN 53432)

U.S. Department of Justice
Civil Division
Consumer Protection Branch
450 5th Street NW, Suite 6400-S
Washington, DC 20530
Telephone: (202) 305-1837
Scott.P.Kennedy@usdoj.gov
Zachary.L.Cowan@usdoj.gov

ISMAIL J. RAMSEY, United States Attorney (CABN 154284)
MICHELLE LO, Chief, Civil Division (NYBN 4325163)
SHARANYA MOHAN, Assistant United States Attorney (NYBN 5027768)
EMMET P. ONG, Assistant United States Attorney (NYBN 4581369)

Northern District of California
450 Golden Gate Avenue
San Francisco, California 94102
Telephone: (415) 436-7198
sharanya.mohan@usdoj.gov
emmet.ong@usdoj.gov

Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
TWITTER, INC., a corporation,
Defendant

Case No. 3:22-cv-3070-TSH

**UNITED STATES' CIVIL LOCAL
RULE 79-5(F) MOTION TO
CONSIDER WHETHER OTHER
PARTIES' MATERIAL SHOULD BE
SEALED**

1 The United States has filed Exhibits A-H in support of its Opposition to X Corp.'s Motion for
 2 Protective Order and Relief from Consent Order ("Opposition"). *See* ECF Nos. 41, 42. These exhibits
 3 contain information that the Federal Trade Commission ("FTC") obtained from Defendant X Corp.
 4 (formerly Twitter, Inc.), and Ernst & Young, LLP ("EY"), during the course of the FTC's non-public
 5 investigation regarding X Corp.'s compliance with the FTC's 2022 Administrative Order. Exhibit G was
 6 designated as confidential by X Corp., and Exhibit H was designated as confidential by EY, pursuant to
 7 Section 21 of the FTC Act, 15 U.S.C. § 57b-2. Moreover, the depositions identified in exhibits C, D, E,
 8 and F refer to those documents, and the United States' Opposition contains discussion of those documents.

9 Before filing this motion, the government contacted counsel for X Corp. and EY to inform them
 10 of the government's intention to file certain materials that contain information designated as confidential
 11 by X Corp. or EY, and counsel for X Corp. advised that the deposition transcripts at issue contain
 12 information that the company may consider confidential. However, the voluminous nature of the materials
 13 and the imminent filing deadline rendered it impracticable for the parties to develop a position on the
 14 confidentiality of these materials before the filing. The government is therefore filing this motion to
 15 provide X Corp. and EY an opportunity to file, within seven days, a statement or declaration pursuant to
 16 Civil Local Rule 79-5(f)(3) regarding whether and why the above-referenced materials, or specific
 17 portions thereof, should be filed under seal.

18 Accordingly, pursuant to Civil Local Rule 79-5(f), the United States files this administrative
 19 motion to consider whether the documents identified below should be sealed:

Exhibit	Document Title	Portion Of Document To Be Provisionally Sealed
Not applicable	United States' Opposition to X Corp.'s Motion for Protective Order and Relief from Consent Order	Highlighted in Yellow
Exhibit C	Excerpts from the Deposition of Seth Wilson	Entire Document
Exhibit D	Excerpts from the Deposition of Andrew Sayler	Entire Document

Exhibit E	Excerpts from the Deposition of Damien Kieran	Entire Document
Exhibit F	Excerpts from the Deposition of Lea Kissner	Entire Document
Exhibit G	Exhibit 001 to the deposition of Lea Kissner	Entire Document
Exhibit H	Exhibit 011 to the Deposition of David Roque	Entire Document

Should X Corp. or EY file a statement or declaration pursuant to Civil Local Rule 79-5(f)(3), the United States reserves its right to file a response pursuant to Civil Local Rule 79-5(f)(4). Consistent with Civil Local Rule 79-5(d), unredacted versions of the above documents accompany this administrative motion.

Dated: September 11, 2023

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA:

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General
Civil Division

ARUN G. RAO
Deputy Assistant Attorney General

AMANDA N. LISKAMM
Director
Consumer Protection Branch

LISA K. HSIAO
HILARY K. PERKINS
Assistant Directors

/s/ Scott P. Kennedy
SCOTT P. KENNEDY
ZACHARY L. COWAN
Trial Attorneys
Consumer Protection Branch
U.S. Department of Justice
450 5th Street, N.W. Suite 6400-S

1 Washington, D.C. 20530
2 Tel: (202) 305-1837 (Kennedy)
3 Tel: (202) 353-7728 (Cowan)
4 Fax: (202) 514-8742
Scott.P.Kennedy@usdoj.gov
Zachary.L.Cowan@usdoj.gov

5 ISMAIL J. RAMSEY
6 United States Attorney

7 MICHELLE LO
8 Chief
9 Civil Division

10 SHARANYA MOHAN
11 EMMET P. ONG
12 Assistant United States Attorney
13 Northern District of California
14 450 Golden Gate Avenue
15 San Francisco, California 94102
16 Tel: (415) 436-7198
17 sharanya.mohan@usdoj.gov
18 emmet.ong@usdoj.gov

CERTIFICATE OF SERVICE

Consistent with Civil Local Rule 5-5 and 79-5(f)(2), I certify that on September 11, 2023, a copy of the foregoing motion will be electronically served on Laura Riposo VanDruff, counsel for Ernst & Young, LLP, at LVanDruff@KelleyDrye.com.

September 11, 2023

/s/ Scott P. Kennedy
SCOTT P. KENNEDY